IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs : 15707 and 15768 of 2001

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WRIT PETITION NO: 15707 of 2001

Between:

S.A.Rahim, S/o S.A.Khader, aged about 74 years,

R/o Hyderguda, Hyderabad.

..... PETITIONER

AND

1. A.P. State Financial Corporation rep. by its managing Director,

5-9-194, Chirag Ali Lane, Hyderabad-500 001.

2. Senior Branch Manager, A.P. State Financial Corporation,

Rangareddy East Branch, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in withholding the documents bearing House No.3-5-804/2/4 (232) belonging to the petitioner in spite of cancellation of the loan in 1992 as arbitrary, illegal, unreasonable and to issue a consequential direction to return the documents of the said property to the petitioner.

Counsel for the Petitioner:MR.V.SRINIVAS

Counsel for the Respondents: MR.Y.NEELA LOHITHA SASTRY

The Court made the following :

And

WRIT PETITION NO : 15768 of 2001

Between:

1. Mahiey Granites (P) Ltd., having regd. Office at 3-5-804/2/4,

Raj Reddy Marg, Hydeguda, Hyderabad-29, rep. by its Managing Director

Prof. Baleeguddin Hussain.

2. Prof.Baleegudding Hussain, S/o late Sheik Hussain, aged about 72 years, R/p

H.No.12-13-155, Street No.3, Tarnaka, Hyderabad.

3. S.A.Rahem, S/o late S.A.Khader, aged about 74 years, Occ:Pensioner,

R/o H.No.3-5-804/2/4, Raj Reddy marg, Hyderabad.

..... PETITIONERS

AND

1. A.P. State Financial Corporation rep. by its managing Director,

5-9-194, Chirag Ali Lane, Hyderabad-500 001.

2. Senior Branch Manager, A.P. State Financial Corporation,

Rangareddy East Branch, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly more in the nature of Mandamus or any other appropriate writ declaring that the demand of a sum of Rs.24,42,592/- or any amount in pursuance of the letter dated 22/27-3-2001 is illegal and void and to declare that the liabilities of the petitioners No.2 and 3 as guarantors came to an end in view of the irregularities committed by the respondent-corporation in the whole transaction of sale.

Counsel for the Petitioners:MR.V.SRINIVAS

Counsel for the Respondents: MR.Y.NEELA LOHITHA SASTRY

The Court made the following :

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COMMON ORDER:

Heard both sides and at their request both the writ petitions are taken up for disposal. Though the petitioners are trying to assail the impugned action on the part of the respondents herein, inter alia, on various grounds, admittedly respondents themselves have initiated the proceedings under Section 31 of the A.P. State Financial Corporation Act in O.P.No.1 of 2002, which is now pending for consideration on the file of the II Additional Chief Judge, City Civil Court, Hyderabad. Having regard to the same, it is not necessary to go into the questions arise in these two writ petitions and any exercise as such is a futile one.

In the circumstances, Writ Petitions are dismissed with liberty to both sides to raise all the pleas and objections, to which they are entitled to under law and the same shall be considered and disposed of in accordance with law, after giving opportunity to both sides. Having regard to the nature of urgency expressed, learned II Additional Chief Judge, City Civil Court, Hyderabad, shall dispose of the said O.P.

within a period of six months from the date of receipt of a copy of this order. No costs.

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B.PRAKASH RAO, J.

Dated 28-09-2004.

SKMR

To

1. The Managing Director, A.P. State Financial Corporation,

5-9-194, Chirag Ali Lane, Hyderabad-500 001.

2. Senior Branch Manager, A.P. State Financial Corporation,

Rangareddy East Branch, Hyderabad.

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